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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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CHAIRMAN

JIM IRVIN  
COMMISSIONER

MARC SPITZER  
COMMISSIONER

JAN 31 2001

AZ CORP COMMISSION  
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DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
TALK.COM HOLDING CORPORATION D/B/A  
THE PHONE COMPANY AND ALSO D/B/A  
NETWORK SERVICES OF NEW HOPE FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE COMPETITIVE  
RESOLD INTRASTATE  
TELECOMMUNICATIONS SERVICES IN  
ARIZONA

DOCKET NO. T-03342A-97-0129

PROCEDURAL ORDER

**BY THE COMMISSION:**

On March 13, 1997, Talk.com Holding Corporation d/b/a The Phone Company and also d/b/a Network Services of New Hope ("Talk.com" or "Applicant") filed with Docket Control of the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide intrastate telecommunications services as a reseller within the State of Arizona.

Pursuant to Commission Rules, Applicant is required to publish notice of its filing in newspapers in all counties where service is to be provided. The record does not show that Applicant has published notice.

On August 12, 1999, the Applicant filed with docket control notice that it does not currently, and does not intend in the future, to charge its customers for prepayments, advances, or deposits.

On August 27, 1999, the Commission's Utilities Division Staff ("Staff") filed its Staff Report in this matter.

On October 21, 1999, Talk.com filed an amendment to its application.

On February 14, 2000, Talk.com filed another amendment to its application.

On January 23, 2001, Staff filed an amended Staff Report.

Pursuant to Commission Rules, the Commission may act on an application for a Certificate

1 to provide resold telecommunications services without a hearing, or with a hearing if one is  
2 requested by any party.

3 Pursuant to Commission Rules, the Commission now issues this Procedural Order to govern  
4 the preparation and conduct of this proceeding.

5 IT IS THEREFORE ORDERED that Applicant shall file written exceptions, if any, to the  
6 Staff Report or request that a hearing be set by March 30, 2001.

7 IT IS FURTHER ORDERED that by March 2, 2001, Talk.com shall notify the Compliance  
8 Section of the Commission's Utilities Division of the date that it first began providing service in  
9 Arizona.

10 IT IS FURTHER ORDERED that since the Applicant has not published notice of its filing  
11 in accord with Commission Rules, Applicant shall publish notice, as stated below, in newspapers  
12 in every county in Arizona in which Applicant desires to provide by March 9, 2001, and shall file  
13 Affidavits of Publication with Docket Control of the Commission no later than March 30, 2001.

14 **NOTICE OF APPLICATION FOR A CERTIFICATE**  
15 **OF CONVENIENCE AND NECESSITY TO PROVIDE**  
16 **RESOLD INTRASTATE TOLL TELECOMMUNICATIONS SERVICES BY**  
17 **TALK.COM D/B/A THE PHONE COMPANY D/B/A NETWORK**  
18 **SERVICES OF NEW HOPE**

19 Talk.com d/b/a The Phone Company d/b/a Network Services of New Hope  
20 has filed with the Arizona Corporation Commission an application for a Certificate  
21 of Convenience and Necessity to provide resold intrastate toll telecommunications  
22 services in the State of Arizona. Applicant will be required by the Commission to  
23 provide this service under the rates and charges and terms and conditions established  
24 by the Commission.

25 A.R.S. 40-282 provides that the Commission may act on an application for  
26 a Certificate to provide resold telecommunications services without a hearing, or with  
27 a hearing, if one is requested by any party. Applicant or any other party must request  
28 a hearing by March 30, 2001, or the Commission will rule on the application without  
a hearing.

29 The application, report of the Commission's Utilities Division Staff, and any  
30 written exceptions to the staff report prepared by the applicant are available for  
31 inspection during regular business hours at the offices of the Commission located at  
32 1200 West Washington Street, Phoenix, Arizona 85007, and at Applicant, [address].

33 Under appropriate circumstances, interested parties may intervene in the  
34 proceedings and participate as a party. Intervention shall be in accordance with  
35 A.A.C. R14-3-105, except that all motions to intervene must be filed on or before  
36 March 30, 2001. You may have the right to intervene in the proceeding, or you may  
37 make a statement for the record. If you have any comments, mail them to:

The Arizona Corporation Commission  
Attention Docket Control  
re: Talk.com Holding Corporation d/b/a The Phone Company  
d/b/a Network Services of New Hope  
T-03342A-97-0129  
1200 West Washington Street  
Phoenix, Arizona 85007

All comments should be received by March 30, 2001.

If you have any questions about this application or have any objections to its approval, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodations such as sign language interpreter, as well as request this document in an alternative format, by contacting, Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, E-Mail [shood@cc.state.az.us](mailto:shood@cc.state.az.us). Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the time periods specified herein shall not be extended pursuant to Rule 6(a) or (e) of the Arizona Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive any portion of this Procedural Order by subsequent Procedural Order or by ruling at hearing.

DATED this 31<sup>st</sup> day of January, 2001.

  
STEPHEN GIBELLI  
ADMINISTRATIVE LAW JUDGE

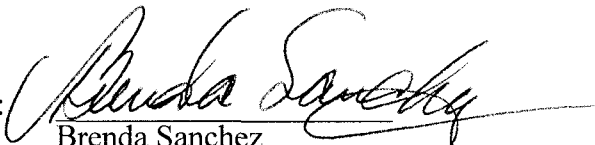
Copies of the foregoing mailed/delivered this  
31<sup>st</sup> day of January, 2001 to:

Tina Tecce, Regulatory Affairs Manager  
Talk.com Holding Corp. d/b/a The Phone Company d/b/a Network Services of New Hope  
6805 Route 202  
New Hope, PA 18938

Connie Wightman  
TECHNOLOGIES MANAGEMENT INC.  
210 N.Park Ave.  
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1 Christopher Kempley, Chief Counsel  
2 Legal Division  
3 ARIZONA CORPORATION COMMISSION  
4 1200 West Washington Street  
5 Phoenix, AZ 85007

6 Deborah Scott, Director  
7 Utilities Division  
8 ARIZONA CORPORATION COMMISSION  
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By:   
Brenda Sanchez  
Secretary for Stephen Gibelli